

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MOODY NATIONAL FFI MEADOWLANDS  
MT, LLC.,

Plaintiff,

v.

DANNETTA GAGER AND ERROL SMITH,

Defendants.

Civil Action No.: 12-2124 (JLL)

**O R D E R**

This matter comes before the Court by way of an unopposed motion for default judgment by Plaintiff (CM/ECF Docket Entry No. 7) against Defendants Dannetta Gager and Errol Smith (“Defendants”) pursuant to Federal Rule of Civil Procedure 55.

As per a Certification of counsel filed in conjunction with the instant motion, the present case arises out of property damage caused by Defendants while staying at Plaintiff’s hotel. Specifically, on July 30, 2012, Defendants negligently caused a sprinkler head in their hotel room to discharge which resulted in \$562,389.05 of damage to the property incurred by Plaintiff and its property insurer. (Meola Certif. ¶¶ 3-4).

Plaintiff’s motion includes neither a brief nor a statement as to why no brief is necessary. See L. Civ. R. 7.1(d)(4). In addition, while the certification filed in conjunction with the instant motion notes that the Clerk entered default on August 10, 2012, it is unclear from the submission whether service of process was properly effectuated. Finally, although Plaintiff seeks


\$562,389.05 plus interest, costs, disbursements, and fees incurred in the prosecution of this action, Plaintiff does not set forth a legal or factual basis as to why it is entitled to such relief.

Accordingly,

**IT IS** on this 5<sup>th</sup> day of September, 2012,

**ORDERED** that Plaintiff's motion for default judgment (CM/ECF Docket Entry No. 7) is **DENIED** without prejudice. Plaintiff may re-file a motion in accordance with this Order within 30 days. Upon the filing and review of said motion, the Court will schedule a proof hearing, if appropriate.

**SO ORDERED.**

  
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Jose L. Linares  
United States District Judge